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Individuals seeking candidate information and forms must be referred to the SBE's [web site](#). Information for candidates (or potential candidates) is found by navigating or clicking through the "Candidates and PACS> Becoming a Candidate" pathway. SBE posts updated candidacy requirements bulletins to the site either in December before the year of election or as soon as possible after the issuance of a Special Election Writ. When contacted by candidates, SBE staff will promote the distribution of candidate bulletin and forms by email rather than through the traditional "candidate packet"

purchase program. The purchase of candidate packets from SBE for a \$10.00 prepaid fee (to cover SBE's costs) will continue for those prospective candidates who claim not to have internet access. Checks made payable to SBE should be mailed to SBE, along with the purchaser's name, address, office sought and, if applicable, election district. Packets are processed upon receipt of payment.

If the individual has unanswered questions and is outside the Richmond calling area, please provide SBE's toll-free number: (800) 552-9745.

## **10.1 Forms to be Filed by Type of Candidate**

Where forms are filed, filing deadlines and petition requirements vary from office to office. Refer to the appropriate candidate bulletin for details or [§ 24.2-500](#) et seq. Candidates for local office file documents relating to their candidacy with their general registrar. Special elections are governed by the laws in effect at the time the writ is *issued*. [§ 24.2-101.1](#).

Local city or town municipal office candidates should review their local city or town charter when considering a run for public office. The provisions of the city or town charter may address candidate qualification requirements in addition to those present in Title 24.2. Charters include terms of office, election dates, and provisions for filling of vacancies. If the charter provisions are in conflict with general law (i.e. the Code of Virginia), please contact the city or town attorney for guidance as to which provision prevails. [Current charters](#) are available in the Laws and Regulations Section of the Division of Legislative Services website.

Listed below, by election type, are the qualifying forms and the officer with whom each form is filed.

### **10.1.1 Party Candidates Nominated for Local Offices by Primary**

These candidates must file the following documents with the appropriate political party chair and general registrar no later than the filing deadline set for the primary:

- With the Political Party Chair
  - Declaration of Candidacy
  - Petition of Qualified Voters
  - Receipt indicating payment of filing fee
- With the General Registrar
  - Certificate of Candidate Qualification for Local Offices
  - Statement of Economic Interests, if required for the office sought (neither an incumbent nor an interim appointee, who filed this document in the election

year and is seeking election or reelection to the same office, are required to file it again)

### **10.1.2 Party Candidates Nominated for Local Offices by Other Methods**

The party's nominee for each local office must file the following documents with the general registrar no later than the filing deadline for the general or special election:

- Certificate of Candidate Qualification for Local Offices
- Statement of Economic Interests, if required for the office sought (neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, are required to file it again)

### **10.1.3 Independent (Non-Party) Candidates for Shared Constitutional Offices**

These candidates must file the following documents with the general registrar of their county or city of residence no later than the filing deadline for the general or special election:

- Declaration of Candidacy
- Petition of Qualified Voters
- Certificate of Candidate Qualification for Local Offices
- Statement of Economic Interests, if required for office sought (neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, are required to file it again)

### **10.1.4 Independent (Non-party) Candidates for Local Offices**

These candidates must file the following documents with the general registrar no later than the filing deadline for the general or special election:

- Declaration of Candidacy
- Petition of Qualified Voters
- Certificate of Candidate Qualification for Local Offices
- Statement of Economic Interests, if required for office sought (neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, are required to file it again)

SBE prepares all qualifying forms except for the Statement of Economic Interests. The Secretary of the Commonwealth prepares the Statement of Economic Interests for statewide and local offices. The most current version of the Statement is available either on the [Secretary of the Commonwealth's website](#) or through the navigation pathway (SBE Home Page>Candidates and PACs>Becoming a Candidate) on the State Board of Elections' website. However, questions related to the proper completion of the Statement must be directed to the Secretary of the Commonwealth's office. Contact information for the Conflict of Interest Director can be found at <http://commonwealth.virginia.gov/SecInfo/staff.cfm>.

### **10.1.5 Independent (Non-party) Candidates for General Assembly**

These candidates must file the following documents with the general registrar of their county or city of residence, the Clerk of the appropriate House and SBE no later than the filing deadline for the general or special election:

- With the State Board of Elections
  - Certificate of Candidate Qualification – General Assembly
- With the General Registrar
  - Declaration of Candidacy
  - Petition of Qualified Voters
- With the Clerk of the Senate or House (as appropriate for the office sought)
  - Statement of Economic Interests (an incumbent who filed this document in the election year and is seeking reelection to the same office, is not required to file it again)


Questions about the proper completion of the General Assembly Statement must be directed to the appropriate Clerk's Office (Senate Clerk's Office (804) 698-7400 or House Clerk's Office (804) 698-1619).

### **10.1.6 Independent (Non-party) Candidates for U. S. Senate, U. S. House of Representatives and Governor, Lieutenant Governor and Attorney General**

These candidates must file the following documents with SBE and, for Governor, Lieutenant Governor and Attorney General, one document with the Secretary of the Commonwealth no later than the filing deadline for the general or special election:

- With the State Board of Elections
  - Declaration of Candidacy
  - Petition of Qualified Voters

- Certificate of Candidate Qualification – Governor, Lieutenant Governor and Attorney General

 SBE will set up the Master Petition in VERIS and then forward the petition pages to the appropriate general registrar for verification. The general registrar will add their jurisdiction to the Master Petition in VERIS for each candidate. A locality *must only* verify petition signatures of their residents. When verification is complete, the general registrar returns the petitions to the SBE.

- With the Secretary of the Commonwealth
  - Statement of Economic Interests (neither an incumbent nor an interim appointee, who filed this document in the election year and is seeking election or reelection to the same office, are required to file it again)

Questions related to the proper completion of the Statement must be directed to the Secretary of the Commonwealth's office. Contact information for the Conflict of Interest Director can be found at <http://commonwealth.virginia.gov/SecInfo/staff.cfm>.

## 10.2 How to Process Candidate Forms

### 10.2.1 Document Review - Local Offices

When the candidate files documents in person, the general registrar shall review all documents to ascertain that all required forms are included and that each is properly notarized and signed. If there are any deficiencies in the execution of the candidate's forms, the general registrar must immediately inform the filer so that the individual may properly complete replacement forms.

The general registrar also must review mailed documents for completeness and accuracy and advise the candidate immediately of any deficiencies.

The candidate must file the Declaration of Candidacy and petitions together. At the time the candidate files, the petitions must contain at least as many unverified signatures as are required to qualify for the office. The candidate may submit additional petition pages up to, but not beyond, the deadline for filing.



SBE recommends providing the filer with a receipt indicating the filing of, or the failure to file, any required document. See, optional general, special, and primary receipts posted in [SharePoint>Forms Warehouse>Ballot Access Candidate Qualification>Receipt for Candidate Filing](#).

SBE recommends adding the Candidate in VERIS after receiving either the candidate's certificate of candidate qualification or declaration and petitions. The candidate's VERIS record will allow for additional tracking of required documents.

### **10.2.2 Turnaround Time**

Declarations and petitions filed with the registrar's office by independent (neither Democrat nor Republican) local office candidates required to be certified by the electoral board must be transmitted to the board within three days of their receipt. Therefore, it is imperative that the general registrar process any filings immediately.

Timely processing will provide the local electoral board ample time to notify any candidate who requested to be notified in writing of deficiencies in his/her filings, and to certify qualified candidates to SBE by the required deadline.

Further, it will ensure that SBE receives the candidate information necessary to do the following:

- Verify accuracy of electoral boards' candidate certifications.
- Assemble data needed for candidate processing and ballot designs.
- Provide materials needed by electoral boards for ballot preparation.
- Communicate as needed with potential candidates.
- Post a candidate list to the SBE website for access by interested persons.

### **10.2.3 Processing the Certificate of Candidate Qualification**

In accordance with SBE Policy 2010-003, a candidate's certificate of candidate qualification may not be filed any earlier than January 2<sup>nd</sup> in the election year and must be filed by the appropriate filing deadline for the election. The exception to the policy is when a future election's filing deadline falls in the current calendar year. As an example, the filing deadline for a 2014 March municipal primary is late December 2013. A special election scheduled for January or February 2014 would also have a filing deadline in November/December 2013.

Each candidate for local office must file a certificate of candidate qualification.

#### **10.2.3.1 Verification of Certificate of Candidate Qualification**

Immediately upon receipt of a certificate of candidate qualification, the general registrar must verify the following:

- The form is complete, signed and notarized.

- The candidate is registered at the address listed on the form.
- The address is located in the district in which the candidate seeks election.
- The manner in which the candidate has requested the name to be listed on the ballot meets the requirements detailed below.

If the form is properly completed, enter the candidate into VERIS. More comprehensive instructions on entering a candidate are available in the VERIS Election Setup Step by Step. If the name the candidate wants on the ballot complies with the requirements, enter it into the “Ballot Name” field. Enter the ballot name in upper/lower case with proper punctuation. Acknowledge receipt of all forms filed by the candidate in the “Candidate Qualifications” section of the candidate’s VERIS record.

### 10.2.3.2 How Name May Appear on the Ballot

- Length
  - The entire name to appear on the ballot must *not* exceed 25 spaces, including any punctuation and spaces between names.
- Titles
  - *No* titles [Rev., Dr., Mr., Mrs., etc.] are to be used, either before or following the candidate's name.
  - A woman *must* use her given name, not her husband's, and without a "Mrs." in front of a name (e.g. “Mary L. Jones” and not “Mrs. John W. Jones”).
- Criteria
  - First name or initial or familiar form of first name (see example below).
  - Middle name or initial or familiar form of middle name.
  - Nickname should be other than form of first or middle name and must appear within quotation marks.
  - Last name.
  - Suffix, if one (Sr. is optional; All other suffixes must be used since they appear on a person’s birth certificate and are part of the person’s legal name).

If the name the candidate wants on the ballot includes either a first or middle name or suffix that is not shown on his/her registration record in VERIS, the general registrar must take the following steps:

- Verify that the first or middle name or suffix missing from the VERIS record is, in fact, part of the candidate’s legal name by checking the candidate’s voter registration application.



A nickname can never replace the full name shown on the voter’s VERIS record unless the name was changed by order of a court.

- Contact the candidate by telephone or email to advise her/him of the change.
- Add the missing information to the registrant's record in VERIS.
- Enter the information into VERIS under "Candidate Maintain." If the candidate entry does not already exist in VERIS, add the candidate and choose the office the candidate is seeking (which must already exist in VERIS). Enter the receipt and verification of all forms for the candidate in VERIS in order to qualify the candidate for the ballot.

The following procedures are used if the name does not comply:

- Contact the candidate by telephone or email.
- Explain the deficiency.
- Print the name decided upon above the name entered on form by the candidate. It is recommended that the general registrar also initial and date the change.

Here are some examples of deficiencies:

- A request for "Robert L. Jones" when the individual is registered as "Robert Leroy Jones, Jr."
  - Only the "Sr." suffix may appear at the candidate's option. All other suffixes must appear on the ballot.
- A request for "Spanky Smyth" when the individual is registered as "Thomas Wendell Smyth III".
  - Spanky is a nickname that is not a form of his given name. Candidate must appear on ballot either as one of the following:
    - Thomas Wendell Smyth III
    - Thomas W. Smyth III
    - T. Wendell Smyth III
    - T. W. "Tom" Smyth III
    - Thomas W. "Tom" Smyth III
    - Tom W. Smyth III (Tom is a familiar, commonly used, form of Thomas; he can appear on the ballot in this manner without quotation marks)
    - T. W. "Spanky" Smyth III
    - T. W. Smyth III (initials for both the first and middle names may be used only when the initials are also the nickname)

The following meets the requirement for how a name may appear on the ballot but the name requested is not valid for *this* person:

- A request for "Mary Ann Westmoreland" where the individual is registered as Mary Mitchell Westmoreland under the following scenario:
  - When called by the registrar, the candidate states that Ann is her middle name even though her voter registration reads, "Mary Mitchell." The candidate's name must match the name on their voter registration application. Therefore,



this candidate may only appear on the ballot as “Mary Mitchell Westmoreland”. Alternatively, the candidate may submit an updated voter registration application to supplement her name to “Mary Ann Mitchell Westmoreland”. Once submitted, the candidate may appear as “Mary Ann Westmoreland”. Female candidates can choose to use both a middle and maiden name/initial if within the 25 alpha character limit or use either the middle or maiden name/initial (e.g. Mary A. M. Westmoreland, Mary Ann Westmoreland or Mary Mitchell Westmoreland).

#### **10.2.3.3 Retention of Forms**

Keep the forms in alphabetical order by office and year in appropriately labeled file folders. These documents must be retained for the period prescribed in the LVA Retention Schedule and destroyed following the instructions therein.

#### **10.2.4 Processing the Statement of Economic Interests**

The Statement of Economic Interests must be filed by the following individuals:

- All candidates for constitutional offices
- Candidates for school board and local governing body in any city and in any county other than Highland
- Candidates for other city offices and for town offices in the following towns:
  - Abingdon, Ashland, Berryville, Big Stone Gap, Blacksburg, Blackstone, Bluefield, Bridgewater, Broadway, Christiansburg, Clifton Forge, Colonial Beach, Culpeper, Dumfries, Farmville, Front Royal, Herndon, Leesburg, Luray, Marion, Orange, Pulaski, Purcellville, Richlands, Rocky Mount, Smithfield, South Boston, South Hill, Strasburg, Tazewell, Vienna, Vinton, Warrenton, Woodstock, and Wytheville
  - Note: Candidates for Soil and Water Conservation Director are not required to file this Statement.

In accordance with SBE Policy 2010-003, a candidate’s statement of economic interests form may not be filed any earlier than January 2<sup>nd</sup> in the election year and must be filed by the election’s filing deadline. The exception to the policy is when a future election’s filing deadline falls in the current calendar year. For example, the filing deadline for a 2014 March municipal primary is late December 2013. Special elections scheduled for January or February 2014 would also have a filing deadline in November/December.

Candidates for re-election to the same office need not re-file this form if they met the requirement for filing as an elected officeholder in January of the election year. A person who is appointed to fill a vacancy is required to file the statement as a condition to assuming office. The appointee is not required to file another statement of economic interests if he/she becomes a candidate in the Special Election to fill the vacancy.

These documents must be retained for the period prescribed in the LVA Retention Schedule and destroyed following the instructions therein.

#### **10.2.4.1 Public Inspection**

All candidate filings, including petitions and copies of Statement of Economic Interests forms, without the social security number (or any parts) displayed are open to public inspection and copying for reasonable costs. *See*, GREB 26 (discussing the Virginia Freedom of Information Act).

### **10.2.5 Verification of Petitions**

A general registrar must check petitions filed by (i) groups seeking to get a referendum authorized by law on the ballot, and (ii) independent (non-party) candidates for all offices in general or special elections.

A general registrar is required to check petitions if so requested by the party chair when the party is nominating its candidate for the General Assembly, constitutional office or local office by a non-primary method of nomination. § [24.2-114\(17\)](#). A general registrar is not required to check primary petitions. The political party has sole authority in designating its primary candidates. § [24.2-527](#). State Board strongly urges non-participation by general registrars in primary petition verification.

The procedures set forth below apply to all candidate petitions:

- Affidavit
- Circulator
- Number of Signatures
- Certification

For referendum petitions, follow the procedures in Items 10.2.5.1; 10.2.5.3, 10.2.5.4, 10.2.5.5 and 10.2.5.6 only.

#### **10.2.5.1 Review State Board's Material Omissions from candidate petitions regulation**

The State Board of Elections' Material Omission Regulation identifies what does and does not constitute a material omission on a candidate's petition for the purpose of disallowing the petition. Please review the regulation before proceeding to Section 10.2.5.2. A hyperlink to the regulation has been included for your convenience. [1 VAC 20-50-20](#)

### 10.2.5.2 How to Number the Pages

In order to expedite verification, the receiving registration office should implement the following procedure when any candidate files a declaration of candidacy and petitions:

- Number the front of first page 1-A.

<b>1-A</b>		<b>COMMONWEALTH OF VIRGINIA PETITION OF QUALIFIED VOTERS</b>
<u>Jonathan Q. Independent</u> ENTER ABOVE, NAME OF CANDIDATE [SHOULD BE AS IT IS TO APPEAR ON BALLOT]	[Must be filed with Declaration of Candidacy]	
<u>2211 Quiet Place</u> ENTER ABOVE, RESIDENCE ADDRESS OF CANDIDATE	When an election district includes more than one county or city, it is suggested that you use a <u>separate</u> petition form for qualified voters in each county or city to facilitate the processing of the filing.	
<u>Somewhere VA</u> <span style="float: right;"><u>22193</u></span> ENTER ABOVE, CITY/TOWN <span style="float: right;">ZIP</span>	<u>For a statewide office</u> It is suggested that you file petitions in county/city order to facilitate the processing of the filing. If you track the number of signatures by congressional district, enter district no.: ____ [optional].	
<u>Member, House of Delegates</u> <span style="float: right;"><u>86<sup>th</sup> District</u></span> ENTER ABOVE, OFFICE SOUGHT <span style="float: right;">ENTER ABOVE,</span> DISTRICT, IF APPLICABLE		

- Number the back of first page 1-B.

<b>1-B</b>				
CONTINUED FROM REVERSE SIDE CANDIDATE NAME: <u>Jonathan Q. Independent</u> OFFICE SOUGHT: <u>HOUSE OF DELEGATES, 86<sup>TH</sup> DISTRICT</u>				
<b>CIRCULATOR:</b> MUST SWEAR OR AFFIRM IN THE AFFIDAVIT BELOW THAT S/HE IS A LEGAL RESIDENT OF THE UNITED STATES OF AMERICA, NOT A MINOR NOR A FELON WHOSE VOTING RIGHTS HAVE NOT BEEN RESTORED AND THAT S/HE PERSONALLY WITNESSED EACH SIGNATURE.				
<b>SIGNER:</b> YOUR SIGNATURE ON THIS PETITION MUST BE YOUR OWN AND DOES NOT SIGNIFY AN INTENT TO VOTE FOR THE CANDIDATE. YOU MAY SIGN PETITIONS FOR MORE THAN ONE CANDIDATE.				
OFFICE USE ONLY	<b>SIGNATURE OF REGISTERED VOTER</b> [PRINT NAME IN SPACE BELOW SIGNATURE]	<b>POST OFFICE BOXES <u>ARE NOT</u> ACCEPTABLE RESIDENT ADDRESS</b> House Number. and Street Name or Rural Route and Box Number and City/Town	<b>DATE SIGNED[ Must be after January 1 of election year]</b>	<b>*SEE NOTE BELOW LAST 4 DIGITS OF SOCIAL SECURITY NUMBER [OPTIONAL]</b>

- Number the remaining pages sequentially in a like manner.
- Make copies of the petitions with the social security column completely covered or obscured.
- Create the Master Petition in VERIS for local office candidates.
- For General Assembly candidates, contact the Election Services Division so SBE can enter the Master Petition in VERIS.

- Fax General Assembly petition pages for other cities or counties in the district immediately to *all* other registration offices in the district. Include with the faxed documents the name of the contact person for the campaign, the phone number for the contact person and the date filed so the other jurisdictions may add themselves to the Master Petition.

### **10.2.5.3 Declaration of Candidacy**

Verify that the candidate is a qualified registered voter, or if the books are closed, that the registration application or change of address/transfer application is on file with your office for processing once the books reopen. If the declaration of candidacy is witnessed rather than notarized, verify that the two witnesses are also qualified registered voters. If not, the candidate must file a new declaration prior to the filing deadline. *See* GREB 10.2.5.7 below for the explanation of “registered” (“R”).

### **10.2.5.4 Affidavit on Candidate Petition**

If the affidavit on the reverse side of the petition page is not notarized, then the signatures on that page cannot be counted. If the affidavit is complete and notarized, continue to Section 10.2.5.5. If the affidavit is incomplete or not signed by the circulator but it has been notarized, the petition page may not be processed as set forth in [1VAC20-50-20](#) SBE’s Material omissions from candidate petitions regulation. Candidates will be penalized for the failure of the notary to include/affix his/her registration number, commission expiration date or photographically reproducible seal. [§ 55-118.5](#). Notaries who fail to properly execute their duties should be reported to the Secretary of the Commonwealth.

### **10.2.5.5 Affidavit on Referendum Petition**

If the affidavit on both sides of the referendum petition page is not notarized, then the signatures on that page cannot be counted. If the affidavit is complete and notarized, continue to Section 10.2.5.5. If the affidavit is incomplete or not signed by the circulator but it has been notarized, the petition page may not be processed as set forth in [1VAC20-60-20](#) SBE’s Material omissions on referendum petitions. Referendum petition circulators will be penalized for the failure of the notary to include/affix his/her registration number, commission expiration date or photographically reproducible seal. [§ 55-118.5](#). Notaries who fail to properly execute their duties should be reported to the Secretary of the Commonwealth.


### **10.2.5.6 Circulator**

Under the current U.S. District Court's ruling in *Libertarian Party v Judd, et al.*, the person who circulated the petition(s) must be a legal resident of the United States of America and not a minor or a felon whose voting rights have not been restored. The ruling expands the circulator permission in [§ 24.2-506](#) that permits only candidate petition circulation by legal residents of the Commonwealth. The Attorney General's office is appealing the ruling and the appeal will be heard in spring 2013. The outcome of the appeal might strike or uphold the out of state petition circulator permission. If the circulator fails to provide an address in the United States, all other signatures on that petition page must be disqualified. Those circulators who sign the affidavit claiming to be a legal resident of the United States, not to be minor and not to be felon will be taken at their word subject to the penalty of [§ 24.2-1016](#). Indicate to the left of the circulator's name with either an "E" for eligible or an "NE" for not eligible.

E      ELIGIBLE: For a person who is a legal resident of the United States of America and not a minor or a felon whose voting rights which have not been restored.

NE     NOT ELIGIBLE: For a person who is not a legal resident of the United States of America and/or a minor and/or a felon.

For a statewide or congressional office, the SBE will determine the circulator's eligibility before forwarding the petitions to the general registrars for verification.

 Note: Congressional candidates do not need to reside within their district (only the state) to run for office and are permitted to circulate their own petitions.

#### **10.2.5.7 Verification of Signatures**

Once the circulator is determined to be eligible, the names of all other persons on that page are then checked.

As each name is checked in VERIS, indicate in the left margin beside the line number for the signer one of the following, as appropriate:

R      REGISTERED: For a person registered in your county or city and in the election district for which the petition was circulated.

- The person who signs a candidate's petition must be a registered voter at the time the petition was filed by the candidate. The petition search results grid in VERIS will return only those registered voters who were registered on or before the date the petitions were filed.


- A person who signs a petition for a referendum must be a registered voter both at the time the petition was signed (see DATE SIGNED column on petition) and at the time is validated by the registrar. [§ 24.2-684.1](#)(7). Please remember to check each voter's history to ensure the voter was registered at the time they signed the petition before accepting their signature to the referendum's Master Petition.
  - If the address provided by the petition signer is different from the address on record but the general registrar has sufficient information to determine that this signature is valid for the office for which the petition is circulated, the registrar may count it. As confirmed with the Attorney General's office, the decision is the registrar's to make. However, consultation with your county/city attorney is strongly recommended before proceeding with this permission.
- I     INACTIVE: For a person who is on inactive status because the voter failed to respond to a confirmation notice or whose record is on pending status.
- If the voter gives an address on the petition that differs from the address where the person is registered to vote, the registrar must initiate a confirmation mailing. [§ 24.2-428.1](#).
- NR     NOT REGISTERED: For a person not registered in the candidate's election district;
- RNQ   REGISTERED - NOT [A] QUALIFIED [SIGNATURE]: For a person who is registered at the address shown on the petition but the address is in another election district, for a person who registered after the date on which the candidate filed the petition or for a person who is registered within the election district but the address provided on the petition does not match their address in VERIS. *See above*, "R" (containing an additional requirement for referendum petitions).
- DUP   DUPLICATE: For a duplicate name already counted due to its appearance on a previous page of the candidate's petition; or
- CI     CANNOT IDENTIFY: For a person who cannot be identified because the signature/name and/or address is not legible or there is more than one registered voter with the same name and none are at the address shown on the petition.

#### **10.2.5.8    Number of Signatures Required**

When the number of names marked with "R" equals the number required, no further names need be checked. VERIS will automatically halt further selections and will lock

the petition. If the registrar finds that he or she made an error and needs to remove one or more signatures, the registrar must contact SBE to unlock the petition which will allow further processing.

The number of registered voters as of January 1 is used for all signature requirements that are based on the number of registered voters in any county, city, town, district, or ward. [§§ 24.2-506, 24.2-521](#).

-  Note: In a redistricting year, the signature requirement is based on the number of registered voters in any county, city, town, district or ward at the time the legislation or ordinance is adopted (pending preclearance, if applicable).

The number of signatures required for candidates for Senate of Virginia is two hundred fifty (250). Only one hundred twenty-five (125) signatures are required for candidates for House of Delegates of Virginia.

One hundred twenty-five (125) signatures are required for most candidates for local office. There are a few exceptions to this rule:

- For membership on a local governing body or the school board of a county or city from an election district not at large containing 1,000 or fewer registered voters, fifty (50) signatures are required.
- For membership on a local governing body or the school board from a ward or other district not at large in a town which has more than 1,500 registered voters, twenty-five (25) signatures are required.
- For membership on a local governing body or the school board of a town that has 1,500 or fewer registered voters, *no* petition is required.
- Regardless of the size of the district, candidates for Soil and Water Conservation District Director are only required to obtain 25 signatures.

[Requirements](#) differ as to the number of signatures needed for the various referenda authorized by law. Call SBE for information as to the specific number required.

## **10.3 Required Communications**

### **10.3.1 General Registrar Certification to Political Party Chair**

A political party chair may request that the general registrar verify the petitions filed by a non-primary candidate seeking the party's nomination. § [24.2-114](#)(17).

If so requested, the general registrar must check these forms and return them to the political party chair as quickly as possible. Include the number of signatures of registered

voters that appear on the petitions when the forms are returned. To accomplish the petition verification for local offices in VERIS, create a candidate, create a Master Petition, and associate your locality to the Master Petition. For a General Assembly candidate, contact SBE which will create the candidate record and the Master Petition.

### **10.3.2 General Registrar Certification to Local Electoral Board**

The general registrar must check the declaration of candidacy and petitions, if required, of all independent (non-party) candidates for offices to be certified by the local electoral board. Within three days of receipt the general registrar must transmit these documents to the electoral board together with the certification of the registration status of the candidate, the completeness of the declaration of candidacy and either (i) that the petitions contained the required number of signatures of qualified voters for the office sought or (ii) that the petitions did not contain a sufficient number of signatures of qualified voters, listing the number found.

The general registrar certifies the signatures of registered voters that appear on petitions of independent (non-party) candidates for the following offices:

- Clerk of Court, when not shared with another county or city
- Commonwealth's Attorney, when not shared with another county or city
- Sheriff, when not shared with another county or city
- Commissioner of Revenue
- Treasurer, when not shared with another county or city
- Soil and Water Conservation Director
- Chairman or Member, Board of Supervisors or County Board
- Chairman or Member, School Board
- Mayor, City or Town
- Member, City or Town Council

### **10.3.3 General Registrar to other General Registrars**

When a non-party candidate for the General Assembly files, contact a member of the Election Services Division and request the creation of a Master Petition for the candidate. Within three days of receipt, the general registrar must transmit copies of these documents to the general registrar of each county and city in the Senate or House district. For special elections for such offices called by the Governor, the President Pro Tempore of the Senate or the Speaker of the House of Delegates, copies must be faxed immediately after the filing deadline for the office. Include with the transmitted information the name of the contact person for the campaign, the phone number for the contact person and the date filed so the other jurisdictions may add themselves to the Master Petition.



### **10.3.4 General Registrar Certification to State Board of Elections**

The general registrar must certify to the SBE the number of registered voters in the county or city which appear on petitions for independent candidates for these offices:

- President and Vice President
- United States Senate
- United States House of Representatives
- Governor, Lieutenant Governor and Attorney General
- Senate of Virginia
- House of Delegates
- Constitutional Offices shared by one or more counties and/or cities

The totals recorded by VERIS are used for all offices. No separate certification is required.

If requested in writing by a candidate for the General Assembly or a shared constitutional office, the general registrar or secretary of a local electoral board should notify the candidate of any deficiencies in the Declaration of Candidacy and petitions that can be corrected prior to the filing deadline. If so requested, the general registrar may advise the candidate as to the number of valid signatures identified on petitions. Otherwise, neither the general registrar nor the local electoral board is to initiate any contact with any candidate for these offices concerning the validity of their petitions. State Board will communicate with the candidate.

### **10.3.5 Local Electoral Board Notification to Candidate of Deficiencies**

For the local offices set forth in Certification to Local Electoral Board above, there are certain situations that may require the local electoral board to communicate with the prospective candidate.

When requested by a candidate who files prior to the filing deadline, the local electoral board must send notification of any deficiencies or discrepancies in the candidate's Declaration of Candidacy or petitions that can be corrected prior to the filing deadline.

After the filing deadline, whenever a candidate must be disqualified because of deficiencies in the candidate's Declaration of Candidacy or petitions, the local electoral board must notify the candidate of the disqualification in writing.

When the disqualification is a result of insufficient signatures on the candidate's petitions, the electoral board must enclose copies of the petitions without social security numbers. The copies will show the candidate by the lettering present the determination rendered for each signature. Include in the letter an explanation of what each letter stands for (e.g. "R" registered voter or "CI" could not identify).

### **10.3.6 Local Electoral Board Certification to State Board**

Shortly before the filing deadline for any local office, the SBE will either post to the SharePoint website or send via email the combined certification form required to certify candidates for each office on the ballot for the election.

Immediately after any filing deadline, the general registrar and secretary of the electoral board must certify to the SBE, on these forms, all qualified candidates. Forms may be faxed or emailed to (804) 371-0194, [matt.abell@sbe.virginia.gov](mailto:matt.abell@sbe.virginia.gov), [pamela.blount@sbe.virginia.gov](mailto:pamela.blount@sbe.virginia.gov) or [info@sbe.virginia.gov](mailto:info@sbe.virginia.gov).

The names of any disqualified candidates with the reason for the disqualification must also be entered in the space provided on the prescribed form. The electoral board must *not* disqualify any candidate for failure to file either the certificate of candidate qualification or, if required, the statement of economic interests. *See below*, GREB 10.3.7.

### **10.3.7 State Board of Elections Verification of Candidates for Local Offices**

SBE will review the electoral board's certification of qualified local office candidates. If any local candidate has failed to file either a certificate of candidate qualification or a required statement of economic interests, SBE must notify the candidate of this deficiency and provide ten days in which the missing form(s) may be filed. In lieu of this formal process, SBE may empower the general registrar to contact the candidate about the deficiency and granted extension. It is recommended to truncate the extension to 24 - 48 hours after notice to avoid disqualification.

### **10.3.8 State Board of Elections Certification to Locality**

SBE will certify to each electoral board the names of all candidates for all offices and the order in which they are to appear on the ballot once all local certification efforts are completed.

## **10.4 Certification of Local Referenda**

An individual or group seeking to place a referendum on the ballot may do so only by following all codified procedures relevant to the issue.

First, an individual, who is a qualified voter of the county, city or town, representing either a group or acting alone, must file a copy of the petition form to be used that

includes the question as it is to appear on the ballot with the clerk of circuit court. The individual must also file a statement that contains his/her name, address and the group he/she represents (if any). These documents cannot be filed earlier than the effective date of the law authorizing the referendum for which the petition is to be circulated. The clerk must certify to the filer, within ten days, that the petition copy and statement have been received and accepted.

The individual then circulates the petitions and files them with the clerk within nine months of the clerk's certification. All signatures on the petitions must be dated on or after the date of the clerk's certification.

In addition, petitioners should be aware that any court order for a referendum must be entered at least eighty-one days before the date of the election and the court must provide the general registrar sufficient time for verifying the petitions before an order can be entered. Petitions circulated for the referendum on an elected school board must be filed with the court at least 111 days before the date of the general election at which this special election would be held.

Persons who sign any referendum petition must have been registered voters in the jurisdiction for which the petition is circulated *both* at the time they signed the petition and at the time the registrar validates the signatures. Under the current U.S. District Court's ruling in *Libertarian Party v Judd, et al.*, the circulator of each petition page must be a person who is a legal resident of the United States of America and not a minor or a felon whose voting rights have not been restored. The ruling expands the current referendum circulator permission that permits only circulation by legal residents of the Commonwealth. The Attorney General's office is appealing the ruling and the appeal will be heard in spring 2013. The outcome of the appeal might strike or uphold the out of state petition circulation permission. The circulator must witness the signature of each person who signs the page and must sign an affidavit to that effect on both pages of the petition.

The general registrar may be asked to check petitions by the clerk after they have been filed or by the individual(s)/group circulating the petitions before they are filed with the court. In either case, the general registrar must number the petition pages consecutively in the same manner as candidate petitions, and place his/her initials below each page number. The referendum must be added to an election in VERIS before a Master Petition for the referendum can be started.

The general registrar must check the petitions as quickly as possible and return them to the individual(s)/group or clerk as appropriate. Further, the general registrar must provide a written certification of the number of signatures of registered voters that appear on the petitions to the individual(s)/group or clerk, as appropriate.

Persons seeking any information concerning referenda to be placed on the ballot are to be directed to the State Board's website

([http://www.sbe.virginia.gov/cms/Election\\_Information/Getting\\_a\\_Question\\_on\\_the\\_Ballot.html](http://www.sbe.virginia.gov/cms/Election_Information/Getting_a_Question_on_the_Ballot.html)) or provided SBE's toll-free number.

## **10.5 Candidate Management**

If local offices do not already exist in VERIS, the registrar must add them into VERIS. Set up includes listing whether the office is a local office, the term of the office, the district the office represents, the number of petition signatures necessary, the next general and primary election dates, and the forms that are required to be filed as qualifications for that office.

The registrar must also create or enter information for each local candidate that files forms and petitions with the local registrar. This will require entering what office the candidate is seeking and therefore, based upon the office qualifications and parameters entered above, what forms are required to qualify as a candidate. The registrar must enter all forms and petitions submitted by the candidate into VERIS.

If the candidate record has not already been created in VERIS, the general registrar should do so as soon as the certificate of candidate qualification has been reviewed and approved or after resolution of any discrepancies in the manner in which the candidate's name is to appear on the ballot.

Enter the candidate's name in the manner that it will appear on the ballot in the "Ballot Name" field. The "Ballot Name" entered will appear on SBE's candidate certifications and on its candidate lists posted to the public website. Use mixed case (i.e., upper and lower case) when entering the candidate's ballot name and include all required punctuation, e.g., John P. "Joe" Dixon, Jr. SBE staff time wasted asking for corrections to improperly entered ballot names will delay candidate certification distribution. Please take care to enter the ballot name properly the first time.

Use the "Status" field on the "Candidate Maintain" page to indicate whether the candidate is "In Process" (not yet qualified but in the process of trying to qualify), "Qualified" (qualified for the ballot), "Not Qualified" (failed to qualify for the ballot), "Unopposed" (not challenged in a Primary), "Deceased," "Deleted," or "Withdrawn."

The "Unopposed" status must only be used for uncontested primary candidates. The selection of the "Unopposed" status triggers VERIS to remove the office associated to the candidate from all pre and post primary election functionality and from primary reports. Once the primary certification process ends, use the "Copy candidate to another election" functionality to create a November candidate record from the "Unopposed" June candidate record. The status of the November candidate record is "Qualified."

Whenever a candidate's name remains on the ballot because the candidate died or withdrew after the ballots were printed, the status field must continue to display

“Qualified.” This will ensure that the candidate’s name appears on the election results screen to allow entry of the votes cast for the withdrawn candidate.

Use the check boxes in the “Candidate Qualifications” section of the page to indicate when each form is filed. Do not select “Qualified” as the candidate’s status until all of the legal requirements for ballot access are met. It is imperative that all candidate information be entered before the combined general registrar/electoral board candidate certification is provided to the SBE.

### **10.5.1 Candidate Withdrawal**

Any candidate who decides that he/she no longer wants to be a candidate must withdraw *in writing* (either letter, faxed copy of the letter or email is acceptable). The withdrawal must include the candidate's name, the candidate's signature, the office the candidate was seeking and the election date and must specifically state that he/she is withdrawing as a candidate. It must be addressed to the appropriate authority. Newspaper articles or press conferences do *not* constitute an official notice of withdrawal.

A political party nominee sends his/her withdrawal notice to the appropriate political party chair. Either the candidate or the party chair should fax/email a copy of the withdrawal notice to both the SBE and the secretary of the electoral board at the office of the general registrar. Subsequent procedures for withdrawal of a primary candidate are delineated in §§ 24.2-536, 537, and 538; while procedures applicable to the withdrawal of a general or special election political party nominee are in §§ 24.2-539 and 24.2-540.

An Independent candidate sends his/her withdrawal notice to the secretary of the electoral board. Notices addressed to the secretary that are sent to the general registrar are also acceptable.

If the withdrawal notice is received before ballot preparation begins, change the candidate’s “Status” to “Withdrawn” on the “Candidate Maintain” page in VERIS. *However*, whenever a candidate’s name remains on the ballot because s/he withdrew after the ballots were printed, the “Status” field must continue to display “Qualified.” This will ensure that the candidate’s name remains on the “Election Results > By Office/By Precinct” screen thus allowing data entry of the votes cast for the withdrawn candidate.

If the general registrar or electoral board receives a notice of withdrawal from a candidate certified by SBE (e.g., General Assembly), the notice must immediately be faxed or emailed to the Election Services Division at (804) 371-0194, [info@sbe.virginia.gov](mailto:info@sbe.virginia.gov). Include a comment indicating who received the notice and when.

SBE determines, based on the time available before the election and the status of the ballots for the election, whether or not ballots containing the name of the withdrawn candidate must be reprinted.

If SBE decides that the name will remain on the ballot, it will provide to the secretary of the electoral board and the general registrar a notice explaining that the candidate's withdrawal occurred after the ballots were printed and, therefore, the name remains on the ballot. This notice is provided in two sizes. One will be of a size that fits inside the envelope transmitting mailed absentee ballots; the other is 8-1/2" x 11" and must be posted within the confines of the voting booth to advise in-person absentee/Election Day voters of the withdrawal.

- ① If the withdrawn or deceased candidate receives the most votes, s/he must be certified by the electoral board as the person elected to the office (§ [24.2673](#)).

## 10.5.2 Write-In Candidacy

Whenever an individual requests procedures for becoming a write-in candidate for a local office, the general registrar must provide the following information either verbally or in writing (by letter or by email):

- That write-ins are permitted for any office elected in a general or special election;
- Article II, Section 5 of the Constitution of the Commonwealth requires an elected official to be able to vote for the office he or she is seeking. Therefore, the write in candidate must be a registered voter of the jurisdiction or, if applicable, of the election district on or before the last day to register to vote before the November/May election;
- That §§ [24.2-644](#) and [24.2-648](#) require the write-in vote to be handwritten or hand-printed by the voter unless the voting system in use provides a means to enter the name electronically (include write-in instructions applicable to voting system in use);
- That the individual may inform the media of his/her write-in candidacy and about write-in procedures in any way he/she chooses;
- That the write-in candidate should use some form of his/her full legal name to eliminate any doubt that the write-in vote is for him/her and to always refer to him/herself in that manner in any campaign statement, written or oral;
- That the write-in candidate should communicate intent to run to the secretary of the electoral board;
- That any voter requiring instruction on the write-in procedures, may request instruction from the officers of election at the polls;

- That a person who is actively conducting a write-in campaign for an office covered by the Campaign Finance Disclosure Act (“CFDA”) is required to report activity;
- That CFDA reports filed in paper format are filed only with the local electoral board;
- Postmarks on filed paper CFDA reports are not considered timely filed; or
- Electronic CFDA filers only need to file with the State Board of Elections.

Refer the individual to the State Board of Elections’ [website](#) for deadlines, forms and detailed information relating to campaign telephone calls, advertising and identification of campaign ads and materials.

Examples of write in instructions for DRE voting equipment and optical scan ballots are available in SharePoint>GR and EB>Shared Documents>Examples of Write In Instructions for DRE and Optical Scan Ballots. Examples of the system(s) used in the jurisdiction should be sent to the interest write in candidate. If an example is not available from SharePoint, contact your voting equipment vendor and ask for an example. After a file is provided, send the file to State Board so that it may be posted to SharePoint.